

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 25-80014-CIV-CANNON

OLIVER JAMES,

Plaintiff,

v.

FLAGLER SYSTEM, INC., a Florida corporation,
THE BREAKERS, PALM BEACH, INC.
d/b/a THE BREAKERS HOTEL, a Florida corporation,
CORRIE O'DEA, an individual, ARTHUR BIRMELIN,
an individual, GINO SILVESTRE, an individual, and
PAUL N. LEONE, an individual,

Defendants.

UNOPPOSED MOTION FOR CONTINUANCE OF HEARING ON DEFENDANTS'
MOTION TO DISMISS

Plaintiff, OLIVER JAMES, ("Plaintiff") respectfully moves the court for continuance of the hearing currently scheduled for **August 5, 2025**, on Defendants' Motion to Dismiss Plaintiff's Amended Complaint, and as grounds therefor states:

1. The hearing on Defendants' Motion to Dismiss Plaintiff's Amended Complaint was initially scheduled for July 31, 2025, and was later reset by the Court for August 5, 2025.

2. Plaintiff's undersigned counsel is scheduled to undergo emergency surgery and will be either in surgery or preparing for surgery at an out-of-state hospital at the time of the scheduled hearing.

3. The surgery is not an elective procedure, is medically necessary and has been scheduled on the directive of counsel's treating physician.

4. The undersigned serves as lead counsel for Plaintiff, and there is no other attorney within the firm available to appear at the hearing on Plaintiff's behalf.

5. This motion is filed in good faith and not for the purpose of delay or any improper motive.

6. Counsel for Defendants has authorized the undersigned to state that **Defendants do not oppose** the relief requested herein.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and enter an Order continuing the hearing on Defendants' Motion to Dismiss until a mutually agreeable date can be coordinated following Plaintiff's counsel's surgery and immediate recovery period.

RULE 7.1 CERTIFICATION

The undersigned hereby certifies that counsel for Defendants has been consulted on the immediate matter and has agreed to cancel the hearing until such time as Plaintiff's counsel has fully recovered from surgery, at which point the parties will coordinate and propose a new hearing date.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August 2025, a true and correct copy of the foregoing was served via e-mail to all counsel or parties of record on the Service List.

By: /s/ Ronald P. Weil
RONALD P. WEIL, Esq.